



PLANNING COMMISSION

Department of Planning and Development Services P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission
On April 7, 2010

Date of Meeting: March 3, 2010

The meeting of the City of Tucson Planning Commission was called to order by Rick Lavaty, Chair, on Wednesday, March 3, 2010, at 6:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

1. ROLL CALL

Present:

Rick Lavaty, Chair	Member at Large, Ward 1
Shannon McBride-Olson, Vice Chair	Member, Ward 2
Joseph Maher, Jr.	Member at Large, Ward 6
Catherine Applegate Rex,	Member at Large, Ward 5
Thomas Sayler-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Brad Holland	Member, Ward 6
Mark Mayer	Member, Ward 5
William Podolsky	Member at Large, Ward 4

Staff Members Present:

Craig Gross, Planning and Development Services Deputy Director
James W. Glock, Department of Transportation Director
Melissa L. Antol, Department of Transportation Project Manager
Erin Morris, Planning and Development Services Project Coordinator
Ceci Sotomayor, City Clerk's Office Secretary

2. MINUTES FOR APPROVAL: JANUARY 6, 2010

It was moved by Commissioner Rex, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Holland, Mayer and Podolsky absent), to approve the January 6, 2010 minutes submitted.

MINUTES FOR APPROVAL: FEBRUARY 3, 2010

It was moved by Commissioner Rex, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Holland, Mayer and Podolsky absent), to approve the February 3, 2010 minutes as submitted.

3. INFORMATION ONLY – GRANT ROAD UPDATE

James W. Glock, Department of Transportation Director, announced he would be making the staff presentation along with Melissa L. Antol, Department of Transportation, Project Manager for the Grant Road Corridor Project. They would be explaining some of the updates and companion land use recommendations that they were striving to incorporate into the Grant Road Corridor Project.

Mr. Glock said one of the things they strove to do with this project that, historically had not been done before, was to recognize the land use transportation nexus as opposed to solely focusing on the travel and engineering aspects of the corridor. He said they were trying to broaden their vision and Andrew Singelakis, former Transportation Department Deputy Director, played a big part in bringing the department around to the broader view with respect to corridor planning overall.

Mr. Glock said he would explain the planning process to date and Ms. Antol would focus on the work the department had done to look at the land use components associated with the corridor. He said the Grant Road Improvement Program was one of the largest funded roadway corridor projects approved by the voters in the Regional Transportation Authority (RTA) Plan in 2006 and stretched five miles between Oracle Road and Swan Road. He said their planning effort would hopefully wrap up this calendar year and looked to start construction for an early intersection improvement project in mid-2011.

Mr. Glock discussed the following from the Power Point presentation.

- ❑ *Phase One and Recommended Alignment of the project:* This phase began in April 2001 with the formation of the Citizens Task Force and spent six to eight months establishing their guiding principles and Vision Statement. Mayor and Council approved the alignment on January 13, 2009.
- ❑ *Phase Two Process Overview:* This phase addressed the task force and community participation process. It involved roadway and streetscape design, the property and neighborhood access plan, and the Community Character and Vitality Plan.

- ❑ *The Context Sensitive Solutions:* Looked at community values, multi-modal transportation, and the built and natural environment.
- ❑ *Street Sections:* Described and included are the six travel lanes, eight-foot sidewalks, expanded landscaped buffer, landscaped median, and local access lane with parking.
- ❑ *Bicycle Mobility and Safety Improvements:* Described the Toucan bike and pedestrian crossing with enhanced six foot bike lanes, a one foot wide buffer, and parallel bike boulevards.
- ❑ *Transit Improvements:* Described the enhanced transit stops and bus pullouts.
- ❑ *Rain Water Harvesting:* Described the supplement storm drain system used to irrigate and maintain landscaping and utilize both active and passive techniques.
- ❑ *Indirect Left Turn that included:*
 - Indirect left turn concept at seven arterial intersections
 - Traditional left turns along north/south approaches
 - Increased pedestrian refuge
 - Combined signal and PELICAN at six hundred and seven hundred feet
 - Enhanced bus stops
 - Forty-two percent shorter wait time at intersections
 - Reduced total crashes at intersections
 - Traffic signal timing
- ❑ *Roadway Alignment Impacts:*
 - Four hundred twenty-one potentially affected properties with forty percent being fully acquisitioned and sixty percent partial.
 - Property owners and tenant notifications
 - Ongoing property mitigation meetings

Commissioner Williams asked how dual left turns would be accommodated with only a seventeen-foot wide median.

Mr. Glock explained that none of the intersections on Grant Road would be dual left turns on the north/south streets, but there would be dual lefts on the east/west of the north/south running cross streets.

Melissa L. Antol, Department of Transportation Project Manager for the Grant Road Corridor Project, continued with the staff presentation. She advised, as Grant Road progressed it would look completely different in the future. She reminded the Commission that this was a huge one hundred sixty-six million dollar public investment which created a huge opportunity for private investment and reinvestment in

the corridor. She said the question was how land use would relate to the future Grant Road.

Ms. Antol said, with public investment potentially catalyzing development, some questions TDOT was asking was how the community wanted that development to look, how should it relate to the future Grant Road and how could TDOT provide the tools and strategies to make it happen.

Ms. Antol explained she would walk through the planning process in detail, some of the land use planning goals and objectives, and their relationship to existing plans. She said she would also provide some detailed examples of what they heard at the public workshops and conclude her presentation with some of the next steps on the project and answer any questions that the Commissioners had.

Ms. Antol, in her Power Point presentation, discussed the following:

- ❑ *Why worry about Grant Road's Land Use Policies:*
 - Change was coming with the improvements to the roadway
 - The new Grant Road would change the character and environment of the area
 - The community and property owners had a chance to capitalize on this public investment
- ❑ *Setting the Stage for Positive Change – Grant Road Improvements:*
 - Transportation
 - Landscape and Streetscape
 - Public Art
- ❑ *Land Use Planning Efforts:*
 - Develop the Community Character and Vitality Plan with a draft in the Fall of 2010
 - Provides Urban Design Guidelines
 - Bring to Planning Commission early 2011
- ❑ *Exiting Land Use Policy associated with the area and neighborhood plans:*
 - Provide the policy “bridge” from the Comprehensive Plan to zoning
 - Very general, but strongly related to what was heard in developing the Guiding Principles
 - Goal for this land use planning effort was to refine and make it more specific
 - Could help to guide development to build the community's vision for Grant Road and shape future rezoning requests
- ❑ *Grant Road Land Use Plan and Design Guidelines:*
 - Refine current area and neighborhood plan land use and design guidance for properties along Grant Road
 - Define desired form and scale of development

- This effort was not a rezoning effort
 - Relationship of the properties along Grant Road with the residential “core” of adjacent neighborhoods
 - Primarily dealing with non-residential and mixed-use properties, not single-family residential uses.
- ❑ *Character and Vitality Planning Process:*
 - Key issues of the Community Character and Vitality Plan on Grant Road.
 - Guiding Principles
 - Aesthetics and environment
 - Fourth round of workshops
- ❑ *Workshop Format:*
 - Two small group activities to review and comment on building and site concepts for the properties along Grant Road
 - Report to group after each activity
- ❑ *Framework for focusing land use centers and districts:*
 - A *Center* was a focused and typically mixed-use area at/or adjacent to a major intersection
 - A *District* was a linear area of similar use and character
- ❑ *Example Activity of the Alvernon Center “Chip Game”*
- ❑ *Alvernon Center Existing Land Use Policies and Main Objectives*
 - Connect residents safely and conveniently with businesses along Grant Road
 - Development adjacent to lower intensity uses – similar spatial, mass, scale, and height elements and harmonize with surrounding uses
 - Support commercial revitalization, stability, and enhancement
 - Recognize Tucson Botanical Garden as an asset
- ❑ *Menu of Uses and Building Types*
 - Town homes, retail, employment types, and mixed-use types
- ❑ *Circulation Improvements*
- ❑ *Open Space & Urban Design*
- ❑ *Campbell Center Concepts*
 - In Campbell Center workshop, there was more support for mixed-use centers with increased intensities
 - People were comfortable with two or three story structures

Ms. Antol said, looking to the future over the next few months, the team would work with the Task Force to refine the urban design approaches for key issues along

Grant Road. The team would then begin to design the guidance in draft form and present it back to the neighborhoods through a series of neighborhood meetings and open houses; hopefully by late spring. Once the round of public input was completed, sometime in the summer or early fall, the team hoped to come back to the Commission, at a study session, with a draft plan and recommendations for review.

Ms. Antol said, moving into the fall, they were looking at preparing a public review draft of the plan that would then be vetted by the public through public open houses. After that, the team hoped to have all the support needed to return to the Commission for a formal hearing and eventually move it forward to the Mayor and Council for approval as an amendment to the area neighborhood plans for the properties along Grant Road.

Ms. Antol reviewed flow-chart of a “more on the ground look” of the team’s approach to collecting information and preferences and how it all got integrated to shape the Grant Road Community and Character and Vitality Plan. She said the primary touch stone and decision making tool used was the Vision Statement and Guiding Principles that the Task Force spent approximately a year and a half developing which were approved in February 2008.

Ms. Antol went on to review the Character and Vitality Plan and aesthetics and environment stating that these two were most closely related to land use. She said character and vitality spoke to the community’s desire to preserve and enhance neighborhood character and housing choices along Grant Road, as well as, looking for ways to vary the character and identity for Grant Road. She stated that aesthetics and environment, a lot of effort had already been put into this component of the Guiding Principles which could be seen in the streetscape and cross section of Grant Road all with the intent of making it more comfortable and inviting. She said the goal of the land use planning process was what could be done to incentivize developers to do the same, whether it was creating more comfortable and inviting places, making land use orient to the corridor so that people were more willing to walk and park to the side.

Ms. Antol walked the Commission through some of the land use planning workshops that were held and the types of input that was solicited and heard. She said there were five workshops in January, based on the centers and districts concepts focusing on urban design activities related to center or major intersections. The objectives of the workshops were to use visual tools to gain a better understanding of people’s preferences for improving community character and vitality.

Ms. Antol touched on the following subjects:

- Centers and District Mapping
- Questions asked of participants in the workshops as far as design elements and land uses, additional policies to help clarify and further define policies in area plans relating to community character
- How the information obtained was used
- Concerns from participants – safety, crime, better pedestrian circulation, more connection to the Tucson Botanical Garden, and revitalizing centers

- Feedback from community on area and neighborhood plans for specific workshops
- Language for land use structure to develop policy objectives
- Tools used at the workshops (Chip Game), how it was used and outcomes

Ms. Antol said they were still compiling the information and input received from the workshops and there was a significant difference in what the community desired and the Guiding Principals in the existing zoning and area plans. What they would try to accomplish was to see what type of variation could be done through the process to encourage the right type of development people wanted to see. She said they would be looking at that and would return to the Commission with details on what format they would take.

Ms. Antol said that they were in the process of drafting the recommendations from the workshops and the completed draft would go out to be presented at a series of open houses for feedback. From the feedback, a Community Character and Vitality Plan would be created and brought back to the Planning Commission at a study session followed with some open houses next year.

Mr. Glock stated there was a *Reconstruction Sequence* in place. He said permission was acquired from the RTA to have an early section improvement project funded prior to when it was promised in the twenty-year RTA plan at Oracle Road and Grant Road. He said they would then attack the next mile from Stone Avenue to First Street and jump to the east end. Although they would like to get to Alvernon Way and Grant Road sooner than later, it made sense to work from the ends working inward. Swan Road to Bryant Avenue would be the next stretch, followed by the Alvernon Way stretch. He said they would then jump back over to the west-side for Campbell Avenue and get the stretch between First Street and Campbell Avenue completed because soon after that, they would be eligible to begin the improvements to First Avenue from Grant Road to River Road. He said they did want to coordinate the two, so they would not have those two pieces under construction at the same time. He stated they would then close with the Country Club stretch.

Mr. Glock said he had heard from some of the Commissioners already and the community at large, to see if the project could be accelerated further. He said that could be considered. The RTA reported the current fund balance would be depleted by the third quarter of the 2010 calendar year and while they prepared to bond to allow for projects to be accelerated, they wanted to balance that with the need to measure their cash flow over the twenty-year time frame. He said, while they were seeing great prices on bids, they were also seeing the income from the RTA coming in significantly less than what they initially programmed.

Mr. Glock explained, from the standpoint of offering some certainty to the abutting properties along Grant Road, this was the sequence, and the Department would try to move things forward when possible. He added that they were not anticipating going out to actively acquire rights-of-way in advance of the twenty-four month prior to the roadway improvement. Although, he said they would consider case by case inquiries with respect to projects that were further out, and at this point of time, they were looking

at following the sequence. He said they were struggling a little bit with the right-of-way acquisition and support of land use kind of proposals that they wanted to have overall.

Mr. Glock said, having a good land use vision and framework within which to encourage the desired land use in place as they moved forward was helpful when they began to tackle that particular challenge.

Chair Lavaty asked if there were any questions or comments from the Commissioners.

Commissioner Sayler-Brown said he realized that the diagrams were just diagrams, but the landscaping showed landscaping totally along both sides of the road. He asked the plan was for Grant Road was planning to be a limited access kind of roadway, because the way it was illustrated there was almost no access and he figured it was just the diagram.

Mr. Glock commented that it was a good question and the website actually showed the corridor plan in greater detail. He said driveway access would be provided to individual properties.

Mr. Glock said, along the corridor, when one looks at the plan view, there were stretches where there were access to roadways. There was however, one lane, one way with parking. On those particular cases, those islands would not provide access.

Mr. Glock added they were trying to balance mobility needs to some degree, so the fewer driveways they had, the better overall flow the roadway would accommodate. He said it was interesting that during the conversations that established the Community Corridor Vision and Goals, the ability for pedestrians and bicyclists to get across Grant Road, was something that came up quite often.

Mr. Glock said the indirect left turn and signal beyond the intersections that were placed to accommodate the U-turns, availed themselves to pedestrian crossings with signal protection. Given the City's The our standard of intersections every half-mile and major indirect left turn intersections every mile, there were over thirty-five pedestrian crossing opportunities at every five miles, either at the major intersections, at indirect U-turn locations, or at specific Toucan opportunities where two could cross at one time. He gave examples like at Stone Avenue/University Boulevard and Third Street/Country Club Road. Mr. Glock added they were going to try to control access more than what had been done previously along other corridors. He explained they were planning to look at other opportunities where there was a consolidation of access that occurred through joint access agreements such as those very narrow parcels that wanted to have parking on the back or front. He said they would share cross-access easements. This was something they would pursue. He said they have not had a very aggressive road improvement program in over a decade, and last time he recalled was in the nineties when Speedway Boulevard was widened.

Mr. Glock said they were trying to dust off their tool chest and interestingly enough, they were successful in getting cross access easements and cutting down the

number of driveways on the northeast corner of Twenty-Second Street and Kolb Road, where the Ace Hardware was located. He said they all had their individual driveways and since they had to acquire some right-of-way from each of the parcels, they were able to force a joint access use between all three of the property owners along that roadway.

Chair Lavaty said, from a neighborhood-planning standpoint, he really liked the “Chip Game” and the way they incorporated the visual aids in that process. He said he had been involved in several community planned drafting groups, and that was where he was going with his questions. In the past, with the exception of developer proposed site-specific planned amendments, any time the City was involved in a fairly large scale change in a neighborhood plan, it was done through a creation of a neighborhood focus group or a steering committee. He said, having sat on a few of those groups, if the process was completed in a year, it was considered to have moved along really fast. The way this proposal was moving, did not seem to be in the same direction. He said he was curious as to how the department planned to interact with each of the neighborhood groups over these specific neighborhood plans.

Ms. Antol replied they would probably need to go to each of the neighborhoods because originally, when phase two of the process began, there were joint neighborhood meetings to collect input of some of the access and mobility issues. She repeated, when it came to amending a neighborhood plan, she thought it was necessary to go out to every single neighborhood. She said the department was prepared to do that, because it was the only way to get the feedback that was needed. Even though they had a strong turnout at their workshops, which was impressive even during their third year, in order to get the support they needed, it was necessary to attend all the neighborhood meetings.

Chair Lavaty said he agreed very strongly with that and was curious how the process would work.

Commissioner Rex said that Ms. Antol repeated several times that this was not a rezoning process. But when the chip game was played, there was significant increase in the commercial activity that applied significant changes with increases in the zoning. She asked how, why, or why not, could some amount of rezoning be considered as part of the project.

Ms. Antol explained they had decided not to touch zoning because they wanted to get the plan through and approved to have that be their foundation. She said if they had clear design guidance and specificity in their neighborhood and area plans, it would be a good tool when people came in to redevelop or seek a rezoning request. This change was going to happen slowly over time, but to take the whole plan to the Zoning Examiner and work with the community on rezoning was not something they were prepared to tackle. She said it was surprising how much support there was for changes in the area, but that was not the direction they took with the project.

Mr. **Glock** added that an overlay zone was being explored for Downtown Links and it turned out to be far more complex than what they originally thought. It was not as simple as going to the Zoning Examiner and explaining what they wanted to do.

He suggested, as they became more experienced, they would take the Commissioner's suggestions to heart.

Mr. Glock said, where there were targeted opportunities for establishing an overlay zone, it was difficult to proceed because they had to wind their way around Proposition 207 implications and deal with all the legal issues associated with the rezoning. He said once they get through that process, and once it appeared as though the area and neighborhood plan recommendations in a particular location was compelling enough to take the next step. Then it would be fair for the Commission to challenge them. He said there was an engineer that stepped up and looked at this with naive eyes, and stated if the department really wanted to do things to reduce risk, improve time certainty, and reduce cost, that step was critical. Mr. Glock said, in his perspective, these steps needed to be taken, unless other vehicles could be found to deal with the other three things to achieve the goals that were being articulated through the "Chip Game" process.

Commissioner Rex said that was the point she wanted to make. There were only a limited number of people that could deal with the rezoning process. However, once that process would be dealt with, there would be a lot more possibilities for different types of businesses and a lot more possibilities for how quickly requests for improvements would be accomplished.

Commissioner Maher said he was very privileged to be on the Grant Road Task Force Committee. He was impressed from the start with the graphics, the exercises, as well as, the way things were handled in terms of distribution of information with the public. He said there was always a tremendous positive response from the public who participated. The graphics and perspectives, instead of those infamous one-line diagrams on arial photographs, were the tools for success and this particular task force did just that.

Commissioner Maher said if they were concentrating on the commercial centers, it was interesting how much support and input for intensity there was. He said, the basis for rezoning in the future was revised neighborhood plans. C1 zone was too low if they were trying to avoid too much controversy or confusion with the neighborhoods, and if they were really in favor of developing the centers better. He said he remembered, and even though it was not one of the best principals of the *Land Use Code*, the specific zones of the specific criteria seemed to be the best rather than having particular elements. He said, even if there were incentives or different set-backs that might confuse a particular zone, it seemed better to kick it up into the next zone, if that was desired in those particular locations.

Commissioner Maher commented he looked forward to this project being completed and it should be expedited. This project would be a stimulus to the entire city, not only to the road construction, but the relocation, the reinvestment, and the reconstruction of the various businesses that were moving around, moving off, moving next door because their particular properties were taken. Regarding parking, he said most of the commercial centers had shared parking concepts, which provided more space for buildings and more space for parking. He repeated that he was very optimistic about this project going forward.

Chair Lavaty said as a neighborhood warrior, he was confused and tended to put himself on the side of the development professionals on the Commission. While he would certainly oppose the City going to the neighborhoods and doing a forcible rewrite of the neighborhood plans, those neighborhoods ran right through the core of the City and they were some of the oldest plans on the books. He said, a lot of those plans were functionally obsolete. Although, there was enormous reluctance on the development communities part to go into a redevelopment project where they would have to do a plan amendment as well as a rezoning, a project like that was very expensive and took a long time, and if it could possibly be avoided, they would do it. He said the public process on this project was extraordinarily successful, really well done, and the planning tools that were developed were innovative and very effective. He suggested that in those areas where neighborhood support was strong and there was a cohesive piece of property, either single or very few owners or city ownership due to the right of way acquisition, at that point it would make sense not only to do a plan amendment, but go ahead and do the whole package. Chair Lavaty said it could then be brought back with a zoning appropriate to the Design Guidelines that was being looked at for the plans. He said the redevelopment time would be cut by a factor of ten.

Chair Lavaty asked if there were any other comments from the Commission.

Commissioner Mayer said he thought some of the neighborhood plans were obsolete and developed by Father Kino.

Commissioner Rex said she had a comment about the indirect left turn. She said she was opposed to it and had four specific reasons. First, unlike the suicide lanes, it would be hard to change back. With the suicide lanes, one just needed to take a few signs down and it was done. The indirect left turns would be expensive to change back.

Commissioner Rex said secondly, was in the north/south zones which were traffic related. The first street to the north or south would also be impacted by the continuous U-turn traffic. For example, she said it would be very difficult to pull out onto Campbell Avenue from north Spring Street because there would not be a break in traffic. This would effectively increase crash potential at those streets with the first one immediately to the north/south of those indirect left turns.

Commissioner Rex said thirdly, with the many elderly drivers trying to avoid U-turns, they would either do the three right turns or find another way through the neighborhoods. Many elderly people were often hit when they did U-turns because they had trouble trying to negotiate them.

Commissioner Rex said the final point was that this would actually reduce property values on those corner properties because there would not be people sitting at the lights looking at the signage. She said there was a benefit to those drivers waiting the ninety seconds to make a left turn or waiting to move forward. Those corner properties would be losing advertising opportunities. Ms. Rex explained those were her four points and she did not expect her comments would necessarily change anything.

Chair Lavaty asked if there was anything further from the Commissioners.

Commissioner Maher said, one of the things that was suggested several times by others, as well as other Commissioners, was that the sign code and monument signage had to be looked at. He said, when grouping all these properties together, the monument sign formulas and signage formulas for just the frontage was laughable. There was a need for aesthetic character in signage to be able to find particular businesses and that significantly needed to be look at. He said that also would help with what Commissioner Rex was talking about and help the character for the districts that might have signage and the monument criteria that helped drivers find the businesses they were going to.

Ms. Antol said she heard a lot of support for the department to take everything through the rezoning process, and hoped to get some feedback on some questions she had. It was true the department was looking at form issues, setbacks, intensity of use, and parking requirements. She said she understood that a policy plan could only take a person so far, and they were still struggling with how they could incentivize some of the Design Guideline compliance or some of the form base recommendations which they wanted to make. She said they had tossed around the overlay and paid attention to some of the work Jim Mazzocco, Planning and Development Services, Planning Administrator was doing. Mr. Mazzocco had not quite landed on the best approach to give it some teeth besides the plan amendment process. She asked if the Commissioners could provide them with additional feedback on the process.

Mr. Glock said the Commissioners could also contact the Department offline and when they would return with more information on this item, they would also have the opportunity to sit down with Planning staff to come up with a menu of options. He said they had been struggling to find an appropriate vehicle to look at the form, the setback, and other things that were not typically in the Land Use tool box and how to integrate those things. He looked forward to the opportunity to experiment with them on the corridor and hear from the Commissioners.

Commissioner Rex said the most important thing to maintain was transition to the existing adjacent neighborhoods. Another thing that was important was not to be too prescriptive and not to get too specific. She advised to let the people who were doing the development be creative and come up with appropriate forms so when talking about setbacks and such things, it would not even be necessary to be brought up. She said, it was important to be more definitive about, not necessarily criteria, but the fact that there must be transitions to existing neighborhoods. There were different examples and different processes on that, and the committee that worked on the infill incentive zone spent a lot of time discussing that issue, and she advised that the Department might want to take a look at those documents.

Chair Lavaty agreed with Commissioner Rex as far as being inclusive and keeping it at a little bit of a higher level. He said it would be better to concentrate on visual tools and place a great deal of impetus on protecting the existing neighborhoods that were behind the commercial properties that they were interested in improving. He added that people were afraid of change and had become accustomed to whatever it was that they had. No matter how bad it was from a design standpoint, they were comfortable

with it and it was necessary to stay within the neighborhood comfort zone. He added, whenever there was a coherent block of property, either City owned or small group owned, and there was neighborhood support, a rezoning with a design change was a good idea. He said the overlay approach had not been too successful in most places so far. It held a lot of potential, but it was really hard to do, and with Proposition 207, it had become harder to do. If the overlay accidentally included even one opponent, one would be looking to spend years in litigation. Even if someone was ultimately successful in doing it, at that point, they would have done better just by doing a design change and letting the zoning come as it would.

Commissioner Rex asked what happened to the Planned Area Development (PAD) idea rather than the overlay.

Ms. Antol replied she heard the PAD was still out there. She said she had met with Mr. Mazzocco several times, and he was working on the parking ordinance, the expansion of the infill incentive district, and the Planned Area Development (PAD). She said she could see something like that working, and clarified she had not been recently updated. Mr. Mazzocco spoke about it a few months ago and it seemed like a very good tool. Her concern was how it would apply, because the objectives of what they were trying to do required a site by site look of the corridor. She said it may have worked for the PAD, but she saw a PAD working when there were larger more assembled lots; it was something that was worth considering.

Chair Lavaty suggested contacting Rebecca Ruopp, Housing and Community Development Principal Planner, because she had done a lot of work with almost every neighborhood group in that corridor in the last three to five years and knew most of the key players in those neighborhoods. He said she might be able to assist in facilitating access and notice.

Ms. Antol said they were working very closely with her on the Oracle project.

4. STUDY SESSION – LAND USE CODE AMENDMENT RELATING TO RENEWABLE ENERGY GENERATION (SOLAR POWER)

Craig Gross, Planning and Development Services, Deputy Director said he would be making the presentation on the *Land Use Code* Amendment relating to Renewable Energy Generation.

Mr. Gross said, the purpose of this study session was to update the Commission on direction received from the Mayor and Council. On February 7, 2010, Mayor and Council directed staff to prepare a *Land Use Code* amendment to address what was being described as Renewable Energy Generation. He said most everyone recognized the term as solar but it also included some other things. Mayor and Council unanimously voted to move forward with a *Land Use Code* Amendment that would provide opportunities City- wide for the commercial installation of alternate energy generation facilities. Mayor and Council also had some suggestions that they put forward about having it available in all zones in the City, and what they were calling as solar ready or shovel ready. However, the idea was that in residential and office zones, the process was to

have a Zoning Examiner Full Notice Procedure similar to what the County was doing which was a conditional use permit. The City's answer to that was a public process for any commercial solar activities that wanted to go into a residential zone.

Mr. Gross said, what they were looking for was the ability to develop such things as landfills, brown fields, floodplains, and other similar areas. Most of those had very low-density zones because that was the original zoning that was given to them at the time of annexation, sometime in the sixties or seventies. Also, they were not conducive to be rezoned and certainly it would not necessarily make the adjacent propriety owners happy if they tried to rezone it. By creating a process to be able to look at the possibility of creating commercial solar activity, it was recommended that a Zoning Examiner full notice procedure for all residential zones and office zones. It was also recommended that there be a limited notice procedure out of the *Land Use Code* for commercial and mixed-use zones and technically by right ability in the industrial zones. He said that these would be subject to certain performance criteria that would be in process of being developed that they would look at.

Mr. Gross explained he was directed to return to Mayor and Council in early May with an update on how they were progressing and also made a strong recommendation that this return to Mayor and Council for a public hearing in June or July of this year. He said it was a very short time frame that they were looking at. He said what he was asking of the Commission that evening was to consider having this item scheduled for full study session at the next Planning Commission meeting to provide a full staff report and recommended language for the text amendment.

Commissioner Rex asked Mr. Gross if he would go over the limited notice procedure.

Mr. Gross explained the limited notice procedure was the departmental director decision and it was notification to property owners within fifty feet of the property of the line in neighborhood associations.

Commissioner Rex asked if this included wind generation or just solar.

Mr. Gross said he invited Bruce Plenk, General Services, Solar Energy Coordinator, who was a solar and renewable energy expert, to be present that evening, in case there were questions. He said one of the things that would be created would be a definition for Renewable Energy Generation, which was not in the *Land Use Code*. They were still working on the definition, but currently Renewable Energy Generation was a use producing commercial power for natural resources such as sunlight, wind, rain, tides, and geothermal, which were renewable and naturally replenished. Typical uses would be solar geothermal wind power, etc. He said they wanted to leave it broad enough, so in a year or two from now, when some entirely new concept would be brought forward that none of us had ever dreamed of, they would not be in a position of saying, "the concept was nice, but the *Land Use Code* did not address it." He said they wanted to try to leave it open with the various processes in place that would allow the individual opportunity for the different sites to be looked at under different premises.

Bruce Plenk said, the bulk of renewable resources likely to be utilized within the City limits would be solar. There were limited areas where wind was a possibility, but the plan they were working on was renewable resources, allowing for the possibility of other kind of resources to be utilized.

Commissioner Rex said it was her concern and understanding that some wind generations could be extremely noisy. If notice was only going to those neighbors within fifty-feet, that may not be sufficient and she was not sure if there were other regulations that regulated noise that would come into effect. She thought it would be appropriate to match what the notice area was to what the potential effect would be.

Mr. Plenk said it was very unlikely that there would be sufficient wind resources anywhere within the City for large scale turbines of that sort, like one might see while driving through the mid-west or through California. Although there was the possibility of some wind development, he said the really large scale wind was extremely unlikely according to his study of the *Available Data For Wind Resources* within the City. He assured the Commissioners it would be something they would look into when they decide on specific criteria conditions and other requirements.

Commissioner Rex said she would appreciate that.

Mr. Gross said the wind generations in Southern Arizona had already been researched and mapped. As Mr. Plenk said, there really was no place within the City of Tucson that was commercially viable for wind generation. There were some areas toward Sierra Vista and Benson that someday may have wind generation-testing labs, but there was no place that was commercial viable in the City of Tucson.

Mr. Gross said there were other types of Renewable Energy Systems that also had some noise involved with them. He said Mr. Plenk had explained to him that there were solar panels that utilized the heating of water or oil to run a turbine to produce the power, and that turbine could be very noisy. He said some geothermal possibilities could also be noisy. One thing that was being looked at regarding landfills, was the possibility of utilizing the methane gas to fire generators that would produce energy that would be fed online. He said those also could be potentially noisy, and that was something being explored in the requirements. One of the suggestions he submitted for performance criteria was that noise admission of the property line be equivalent or less than residential requirements of the Noise Ordinance, so they were thinking along that line.

Commissioner Rex said in some of the other parts of the performance criteria there were limits on smell, limits on noise, and other limits on things. She said there was already some language and would be appropriate to either point to or repeat, rather than create something new.

Mr. Gross agreed.

Commissioner Rex said she heard that the Arizona Corporation Commission recently heard or was about to hear the aspect of personal generation of energy, so it

would not become a utility. She did not know whether it had any *Land Use Code* implications, but if there was it would need to be incorporated in the amendment.

Mr. Plenk said the case she was referring to was currently under consideration by the Arizona Corporation Commission. The case was to determine if third party vendors who essentially leased land from either the City or private property owners that put up a solar farm then sell the power, needed to be regulated as a public service company. He added there was language in the Arizona Constitution that pointed in that direction, although there were some court interpretations that make it a bit murky; but it would still not have a direct impact on what they were looking at. He said it would not matter if someone was generating power to sell to a third party or the land owner himself, because they would still need to comply with all of the noise requirements, all the conditions, and meet the other requirements established by the Zoning Examiner. He informed the Commissioners that they were tracking that case, and would make sure whatever would be proposed would cover that potentiality.

Mr. Plenk said, the reason this topic originally came up was because some of those developers that were looking to proceed that way, were looking at some chunks of land in the City landfills and determined there was no possibility of putting solar on those landfills because of existing zoning requirements. So, those developers were actually one of the original motivators.

Commissioner Maher commented that this was beyond a single project or a single building generating its own power.

Mr. Gross agreed. He said this specifically was directed to the commercial generation of power and solar farms that were generating power on a larger scale. The accessory use of solar power renewable energy was already allowed as part of developments. He said they were starting to see buildings using solar panels. For example, there were areas in Rita Ranch that have created small solar farm areas, providing thirty to forty percent of their power needs. Those were accessory uses that were already allowed. The larger scale farms were actually ten to forty-acre sites that were commercially generating large amounts of energy and distributed through Tucson Electric Power's grid.

Mr. Gross concluded stating they had been working closely with the Renewable Energy Policy Committee that was formed by Ward 2 several months ago. Also on the team were members of Tucson Electric Power, members of the solar industry, and several other neighborhood association representatives. He added they were working with a stakeholders group to establish the general ideas in formulating the bases of the ordinance change.

5. OTHER BUSINESS

a. Mayor and Council Update

- No report was given.

**b. Other Planning Commission Items
(Future Agenda Items for Discussion/Assignments)**

- Chair Lavaty announced it was likely he would not be attending the April meeting.

6. CALL TO THE AUDIENCE

There were no speakers.

7. ADJOURNMENT – 7:40 p.m.